

BUSINESS REPORT

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Date: Wednesday, March 18, 2009
Place: Capitol

Time: 8:30 am
Room: 422

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 378, HB 542, HB 567

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

HB 195 DCAA HB 386 DCAA _____

HB 291 DCAA HB 530 DC _____

HB 354 DCAA _____

HB 357 DC _____

COMMENTS:

SEN. Joe Balyeat, Chairman

MONTANA STATE SENATE
Roll Call
BUSINESS, LABOR & ECONOMIC AFFAIRS COMMITTEE

DATE: 3-18-09 Wed.

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR JOE BALLYEAT, CHAIRMAN	✓	
SENATOR VERDELL JACKSON, VICE CHAIR	✓	
SENATOR GREGORY BARKUS		✓
SENATOR ROY BROWN	✓	
SENATOR JIM KEANE	✓	
SENATOR JIM PETERSON		✓
SENATOR CAROLYN SQUIRES		✓
SENATOR DONALD STEINBEISSER	✓	
SENATOR SHARON STEWART-PEREGOY		✓
SENATOR JOSEPH TROPILA	✓	
SENATOR JONATHAN WINDY BOY		✓



SENATE STANDING COMMITTEE REPORT

March 18, 2009

Page 1 of 3

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 195** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Joe Balyeat
Senator Joe Balyeat, Chair

To be carried by Senator Joe Balyeat

And, that such amendments read:

1. Page 3, line 15.

Following: "(6)"

Insert: "(a)"

2. Page 3, line 16.

Strike: "(a)"

Insert: "(i)"

Renumber: subsequent subsections

3. Page 3, line 25.

Following: "11 p.m."

Insert: "The provisions of this subsection (6)(a)(iv) and subsection (6)(b) do not apply to a restaurant for which a restaurant beer and wine license is in effect as of [the effective date of this act] or to subsequent renewals of that license."

4. Page 3.

Following: line 25

Insert: "(b) The term does not mean a fast-food restaurant that, excluding any carry-out business, serves a majority of its food and drink in throw-away containers not reused in the same restaurant."

Committee Vote:

Yes 11, No 0

Fiscal Note Required ☐

HB0195001SC03704.sdr

OK

5. Page 3, line 26.

Strike: "(i) Subject to" through "(7)(a)(ii), a"

Insert: "A"

6. Page 3, line 27 through page 4, line 1.

Strike: "if there" on page 3, line 27 through "new" on page 4,
line 1

Insert: "only after 1 year of use by the original"

7. Page 5, line 12.

Strike: "Any"

Insert: "A preference must be given to an"

Following: "who"

Insert: "does not yet have in any quota area a restaurant beer
and wine license or a retail beer license and who"

Strike: "in a quota area, AS PRESCRIBED IN 16-4-105,"

Insert: "that is in the quota area described in subsection (8) in
which the license has become available and "

8. Page 5, line 13 through line 14.

Following: "application"

Strike: "must be given a" on line 13 through "preference" on line
14

9. Page 5, line 15.

Strike: "for a newly available" through "license"

10. Page 5.

Following: line 22

Insert: "(d) If a successful lottery applicant does not use a
license within 1 year of notification by the department of
license eligibility, the applicant shall forfeit the
license. The department shall refund any fees paid except
the application fee and offer the license to the next
eligible ranked applicant in the lottery."

11. Page 6.

Following: line 15

Insert: "NEW SECTION. Section 2. Saving clause. [This act]
does not affect rights and duties that matured, penalties that
were incurred, or proceedings that were begun before [the
effective date of this act]."

Renumber: subsequent sections



SENATE STANDING COMMITTEE REPORT

March 18, 2009

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 357** (third reading copy -- blue) be concurred in.

Signed: _____

Joe Balyeat
Senator Joe Balyeat, Chair

To be carried by Senator Verdell Jackson

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required ____

HB0357001SC00436.sdr

DR



SENATE STANDING COMMITTEE REPORT

March 18, 2009

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 354** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Senator Joe Balyeat, Chair

To be carried by Senator Kelly Gebhardt

And, that such amendments read:

1. Title, page 1, line 8.

Strike: "EXEMPTING CERTAIN FORENSIC PRACTICES"

Insert: "PROVIDING CERTAIN EXEMPTIONS"

2. Page 6, line 2.

Strike: "or"

3. Page 6, line 4.

Following: "employed"

Insert: "; or

(n) a person who evaluates and advises management on personnel and human resource issues in the workplace"

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required ____

HB0354001SC02553.sdr

DR



SENATE STANDING COMMITTEE REPORT

March 18, 2009

Page 1 of 2

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 386** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Senator Joe Balyeat, Chair

To be carried by Senator Donald Steinbeisser

And, that such amendments read:

1. Page 1, line 23.

Following: "arrangements"

Insert: "-- disposition directions -- definition"

2. Page 1, line 25.

Following: "part 4,"

Insert: "or by providing disposition directions"

3. Page 1, line 27.

Strike: "disposition directions and"

4. Page 1, line 28.

Following: "mortuary"

Insert: "or the disposition directions"

5. Page 1, line 29.

Following: "contract"

Insert: "or the disposition directions"

6. Page 1, line 30.

Committee Vote:

Yes 11, No 0

Fiscal Note Required ____

HB0386001SC01417.sdr

DR

Following: "contract"

Insert: "or the disposition directions"

7. Page 1.

Following: line 30

Insert: "(3) As used in this section, the term "disposition directions" means:

(a) a video provided in a replayable format of the person who is the subject of the disposition directions in which the person describes the wishes for disposition and that is accompanied by a written attestation of the video accuracy by two witnesses who are at least 18 years old; or

(b) a legible written instrument signed by the person who is the subject of the disposition directions and by two people who are at least 18 years old who have witnessed the signing by the person. The written instrument may be but is not limited to a letter of instructions, a will, a trust document, or advance directives. A written instrument that does not name a person with the right to control the decedent's disposition must follow the priority of rights of disposition provided in [section 4]."

- END -



SENATE STANDING COMMITTEE REPORT

March 18, 2009

Page 1 of 2

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 291** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Senator Joe Balyeat, Chair

To be carried by Senator Jim Keane

And, that such amendments read:

1. Title, page 1, line 4.

Strike: "PROVIDING THAT AVERAGE PREVAILING"

Insert: "REDEFINING THE"

2. Title, page 1, line 5.

Strike: "RATHER THAN LOWEST PREVAILING MARKET PRICE"

Insert: "THAT"

3. Page 2, line 4.

Strike: "prevailing"

4. Page 2, line 9.

Strike: "Prevailing market"

Insert: "Market"

Following: "price."

Insert: "(1)"

5. Page 2, line 10.

Strike: "prevailing"

Following: "means the"

Insert: ":

Committee Vote:

Yes 8, No 3

Fiscal Note Required ☐

OK

(a) price agreed upon between the insurer and the business;
or"

Strike: "average" through "area"

Insert: "(b) prevailing competitive rate that is reasonable and
necessary in the local area where the repairs are to be
performed"

6. Page 2.

Following: line 10

Insert: "(2)"

7. Page 2, line 11.

Strike: "prevailing"

8. Page 2, line 22.

Strike: "prevailing"

9. Page 3, line 23.

Strike: "prevailing competitive"

10. Page 4, line 16.

Strike: "prevailing"

- END -



SENATE STANDING COMMITTEE REPORT

March 18, 2009

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 530** (third reading copy -- blue) **be concurred in.**

Signed: _____

Senator Joe Balyeat, Chair

To be carried by Senator Joe Balyeat

- END -

Committee Vote:

Yes 11, No 0

Fiscal Note Required ____

HB0530001SC03704.sdr

OK

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from BUSINESS & LABOR Committee
because of other commitments. I desire to leave my proxy vote with:

SEN. JOE TROPILA

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HB 195 ⁰¹⁹⁵⁰³ AMEND 2pm	✓				
HB 195 AS AMENDED	✓				
HB 357	✓				
HB 354 ⁰³⁵⁴⁰¹ AMEND 2pm	✓				
HB 354 AS AMENDED	✓				
HB 386 ⁰³⁸⁶⁰¹ AMEND 2pm	✓				
HB 386 AS AMENDED	✓				
HB 291 ⁰²⁹¹⁰² AMEND 2pm		✓			
HB 291 AS AMENDED		✓			
HB 530	✓				

sen. Carolyn Squires
(Signature)

Date 3/13/09
3/18/09 ✓

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Business & Labor Committee because of other commitments. I desire to leave my proxy vote with:

Verdell Jackson

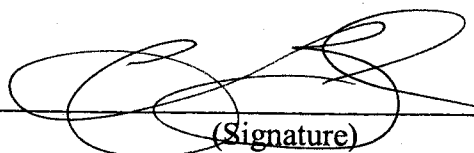
Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT AYE NO

HB 195	X	
HB 357	X	
HB 354	X	
HB 386	X	
HB 291		X
HB 530	X	

BILL/AMENDMENT AYE NO

HBO 19503.apm	X	
HBO 35401.apm	X	
HBO 38601.apm	X	
HBO 29102.apm	X	

Sen. 
(Signature)

Date 3/18/09

Peterson

**AUTHORIZED
SENATE COMMITTEE PROXY**

I request to be excused from Business & Labor Committee
because of other commitments. I desire to leave my proxy vote with:

Verdell Jackson

Indicate Bill number and your vote Aye or No. If there are amendments,
list them by name and number under the bill and indicate a separate vote
for each amendment.

BILL/AMENDMENT

AYE NO

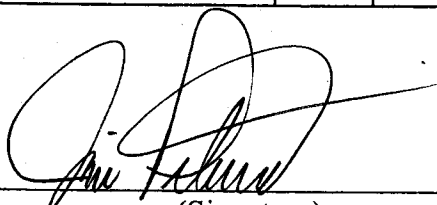
HB 195	X	
HB 357	X	
HB 354	X	
HB 386	X	
HB 291	X	
HB 530	X	

BILL/AMENDMENT

AYE NO

HB 19503.2pm	X	
HB 035401.2pm	X	
HB 038601.2pm	X	
HB 029102.2pm	X	

Sen.


(Signature)

Date 3/18/09

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from BUSINESS & LABOR committee because of other commitments. I desire to leave my proxy vote with:

SEN. JOE TROPILA

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HB 195 ⁰¹⁹⁵⁰³ AMEND 2pm	✓				
HB 195 AS AMENDED	✓				
HB 357	✓				
HB 354 ⁰³⁵⁴⁰¹ AMEND 2pm	✓				
HB 354 AS AMENDED	✓				
HB 386 AS AMENDED	✓				
HB 386 ⁰³⁸⁶⁰¹ AMEND 2pm	✓				
HB 291 AS AMENDED	✓				
HB 291 ⁰²⁹¹⁰² AMEND 3pm	✓				
HB 530	✓				

Sen. 
(Signature)

Date 3/18/09

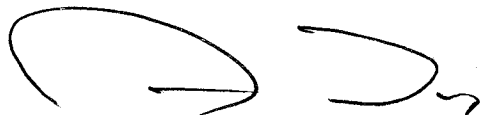
AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from BUSINESS & LABOR committee because of other commitments. I desire to leave my proxy vote with:

SEN. JOE TROPILA

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HB 195 ⁰¹⁹⁵⁰³ AMEND ^{apm}	✓				
HB 195 AS AMENDED	✓				
HB 357	✓				
HB 354 ⁰³⁵⁴⁰¹ AMEND ^{apm}	✓				
HB 354 AS AMENDED	✓				
HB 386 ⁰³⁸⁶⁰¹ AMEND ^{apm}	✓				
HB 386 AS AMENDED	✓				
HB 291 ⁰²⁹¹⁰² AMEND ^{apm}	✓				
HB 291 AS AMENDED	✓				
HB 530	✓				

sen. 
(Signature)

Date 3/13/09
3/18/09 ✓

**MONTANA STATE SENATE
Visitors Register**

BUSINESS, LABOR & ECONOMIC AFFAIRS

Date 3-18-07

Bill No. HB 267 Sponsor(s) Sen. Ju

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Name and Address	Representing	Support	Oppose	Inf.
<i>[Handwritten]</i>	<i>[Handwritten]</i>	X		
Maria Jameson	GM		X	
<i>[Handwritten]</i>	NADA	R		
John McDonald	Auto Alliance		X	
Erick Anderson	MTADA	X		
Dan Ketschmidt	MTADA	X		
JOE BILLION	MTADA	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

BUSINESS, LABOR & ECONOMIC AFFAIRS

Date 5-18-09

Bill No. HB 542 Sponsor(s) W. H. C.

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Name and Address	Representing	Support	Oppose	Inf.
Cher Lantz Bozeman mp	Team Bozeman Motorsports	<input checked="" type="checkbox"/>		
Jacque Van Buren Great Falls	Sports City/MPSON	<input checked="" type="checkbox"/>		
Brad Griffin	MT Equip Dealers	<input checked="" type="checkbox"/>		
Glenn Middlestead	Helena Cycle Center	<input checked="" type="checkbox"/>		
Carol Swanson	Citizens For Balanced Use	<input checked="" type="checkbox"/>		
Joe JWS	Pure Bliss	<input checked="" type="checkbox"/>		
Vivian Clark	MSP-3000	<input checked="" type="checkbox"/>		
Joe McComb	H-Tech Motorsports	<input checked="" type="checkbox"/>		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA STATE SENATE
Visitors Register**

BUSINESS, LABOR & ECONOMIC AFFAIRS

Date 3-18-09

Bill No. HB 273 **Sponsor(s)** Sen. ...

PLEASE PRINT

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Name and Address	Representing	Support	Oppose	Inf.
Terry Keck	Dept of Labor			X

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.